

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 222

HOUSE BILL 2317

AN ACT

AMENDING SECTION 33-1315, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA
RESIDENTIAL LANDLORD AND TENANT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 33-1315, Arizona Revised Statutes, is amended to
3 read:
4 33-1315. Prohibited provisions in rental agreements
5 A. A rental agreement shall not provide that the tenant does any of
6 the following:
7 1. Agrees to waive or to forego rights or remedies under this chapter.
8 2. Agrees to pay the landlord's attorney's ATTORNEY fees, except an
9 agreement in writing may provide that attorney's ATTORNEY fees may be awarded
10 to the prevailing party in the event of court action and except that a
11 prevailing party in a contested forcible detainer action is eligible to be
12 awarded attorney fees pursuant to section 12-341.01 regardless of whether the
13 rental agreement provides for such an award.
14 3. Agrees to the exculpation or limitation of any liability of the
15 landlord arising under law or to indemnify the landlord for that liability
16 or the costs connected therewith.
17 4. AGREES TO WAIVE OR LIMIT THE TENANT'S RIGHT TO SUMMON A PEACE
18 OFFICER OR OTHER EMERGENCY ASSISTANCE IN RESPONSE TO DOMESTIC VIOLENCE AS
19 DEFINED IN SECTION 13-3601 OR 13-3601.02.
20 5. AGREES TO PAYMENT OF MONETARY OR OTHER PENALTIES FOR SUMMONING A
21 PEACE OFFICER OR OTHER EMERGENCY ASSISTANCE IN RESPONSE TO DOMESTIC VIOLENCE
22 AS DEFINED IN SECTION 13-3601 OR 13-3601.02.
23 B. A provision prohibited by subsection A of this section included in
24 a rental agreement is unenforceable. If a landlord deliberately uses a
25 rental agreement containing provisions known by him to be prohibited, the
26 tenant may recover actual damages sustained by him and not more than two
27 months' periodic rent.

APPROVED BY THE GOVERNOR MAY 11, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2004.

Passed the House March 15, 2004,

Passed the Senate April 22, 2004,

by the following vote: 54 Ayes,

by the following vote: 29 Ayes,

0 Nays, 6 Not Voting

0 Nays, 1 Not Voting

Jake Elake
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Chambers B. Dugan
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2317

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 5, 2004,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Mike Lake
Speaker of the House

Norman L. Spore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of May, 2004,

at 11:45 o'clock a. M.

Wendee Ybarra
Secretary to the Governor

Approved this 11 day of

May, 2004,

at 10:25 o'clock A. M.

J. R. Northington
Governor of Arizona

H.B. 2317

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of May, 2004,

at 11:25 o'clock A M.

Janice K. Brewer
Secretary of State